IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

LETTERS PATENT APPEAL NO.18 OF 2004

Bhima Sahakari Sakhar Karkhana
Limited. ...Appellant.

Versus

State of Maharashtra
and Anr. ...Respondents.

....

Mr.V.G.Mujumdar, Advocate for the Appellant.
Mr.R.M.Patne, A.G.P., for the Respondents-State.

....

**CORAM : S.B.MHASE AND
SMT.V.K.TAHILRAMANI,JJ.**

DATED : JANUARY 09, 2007.

P.C.:-

1. Heard the learned counsel for the appellant and the learned A.G.P. for the respondents-State.

2. This Letters Patent Appeal is directed against the order dated 16th August, 2002 passed by the learned Single Judge in Writ Petition No.4081 of 2002. In the said Writ Petition, order dated 26th May, 1999 passed by the Sub-Divisional Officer in respect of N.A.assessment and demand based on that has been challenged. The Petition was not entertained on two grounds, namely, (1) laches, and

(2) alternate remedy available.

3. Mr.Mujumdar, the learned counsel for the appellant now states that he is desirous to withdraw the present Letters Patent Appeal and also the Writ Petition with liberty to follow the alternate remedy available to the appellant under the Maharashtra Land Revenue Code to challenge the order dated 26th May, 1999 passed by the Sub-Divisional Officer. The learned A.G.P. for the State has no objection for granting such liberty.

4. In view of the above, leave to withdraw Letters Patent Appeal No.18 of 2004 and also Writ Petition No.4081 of 2002, is hereby granted. The order of the learned Single Judge dated 16th August, 2002 passed in Writ Petition No.4081 of 2002 is hereby set-aside.

5. Letters Patent Appeal is disposed of accordingly.

[SMT.V.K.TAHILRAMANI,J.] [S.B.MHASE,J.]